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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 FRASER McDONOUGH
11 ROTCHFORD,

CASE NO. C24-5805JLR

ORDER

12 Petitioner,

v.

13 STATE OF WASHINGTON,

14 Respondent.

15 I. INTRODUCTION

16 Before the court is United States Magistrate Judge Brian A. Tsuchida's report and
17 recommendation, in which he recommends that the court dismiss *pro se* Petitioner Fraser
18 McDonough Rotchford's 28 U.S.C. § 2254 petition for writ of habeas corpus with
19 prejudice. (R&R (Dkt. # 4); *see also* Prop. Petition (Dkt. # 1).) Mr. Rotchford did not
20 file objections to the report and recommendation before the November 12, 2024 deadline.
21 (See R&R at 8 (setting deadline); *see generally* Dkt.) Having reviewed the report and
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1 recommendation, the relevant portions of the record, and the governing law, the court
2 ADOPTS Magistrate Judge Tsuchida's report and recommendation, DISMISSES Mr.
3 Rotchford's petition for writ of habeas corpus, and DENIES a certificate of appealability.

4 **II. ANALYSIS**

5 A district court has jurisdiction to review a magistrate judge's report and
6 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "A judge of the court
7 may accept, reject, or modify, in whole or in part, the findings or recommendations made
8 by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "The statute makes it clear that the
9 district judge must review the magistrate judge's findings and recommendations de novo
10 *if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114,
11 1121 (9th Cir. 2003) (en banc) (emphasis in original).

12 Magistrate Judge Tsuchida recommends that the court dismiss Mr. Rotchford's
13 petition because (1) Mr. Rotchford previously filed a habeas petition challenging his
14 King County conviction, which the court dismissed as untimely and as presenting
15 unexhausted claims; (2) Mr. Rotchford's claims are unexhausted; (3) the petition fails to
16 set forth any facts showing relief is warranted under § 2254; and (4) Mr. Rotchford has
17 neither paid the filing fee nor submitted a complete application to proceed in forma pauperis.
18 (See R&R at 1-2.) Mr. Rotchford has not objected to Magistrate Judge Tsuchida's
19 recommendation. (See generally Dkt.) The court has thoroughly examined the record
20 before it and finds Magistrate Judge Tsuchida's reasoning persuasive in light of that
21 record. The court has also independently reviewed Mr. Rotchford's petition and agrees
22 with the reasoning and conclusions set forth in the report and recommendation.

1 Accordingly, the court ADOPTS the report and recommendation, DISMISSES Mr.
2 Rotchford's habeas corpus petition, and DENIES a certificate of appealability.

3 **III. CONCLUSION**

4 For the foregoing reasons, the court ORDERS as follows:

5 1. The court ADOPTS the report and recommendation (Dkt. # 4) in its entirety;

6 2. The court DISMISSES Mr. Rotchford's habeas corpus petition (Dkt. # 1) with
7 prejudice;

8 3. The court DENIES issuance of a certificate of appealability for the reasons set
9 forth in the report and recommendation (*see* R&R at 7); and

10 4. The court DIRECTS the Clerk to send copies of this order to Mr. Rotchford
11 and Magistrate Judge Tsuchida.

12 Dated this 15th day of November, 2024.

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15 JAMES L. ROBART
United States District Judge
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